

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MELODY FLYNN and MARTINA ANTOINETTE DE TRUFF, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

NEW YORK DOLLS GENTLEMEN'S CLUB a/k/a 59 MURRAY ENTERPRISES, INC., PRIVATE EYES GENTLEMEN'S CLUB a/k/a AAM HOLDING CORP, THREE B's HOSPITALITY GROUP a/k/a XYZ CORP., BARRY LIPSITZ, and BARRY LIPSITZ, JR.,

Defendants.

Case No.:  
13 Civ. 6530 (PKC) (RLE)

**NOTICE OF PLAINTIFFS' MOTION FOR CERTIFICATION OF THE  
SETTLEMENT CLASS, FINAL APPROVAL OF THE CLASS ACTION  
SETTLEMENT, AND APPROVAL OF THE FLSA SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of FLSA Settlement ("Plaintiffs' Motion for Final Approval"), in the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of Class Action Settlement, and Approval of the FLSA Settlement, Motion for Approval of Attorneys' Fees and Reimbursement of Expenses, and Motion for Approval of Service Awards ("Swartz Decl.") and the supporting exhibits attached thereto, and the Declaration of Brian S. Schaffer in Support of Motion for Final Approval of Class Action Settlement ("Schaffer Decl.") and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) certifying a Settlement Class consisting of:

All individuals on payroll at New York Dolls Gentlemen's Club and/or Private Eyes Gentleman's Club from September 17, 2007 through April 1, 2014, including any individual who has signed an "Arbitration Agreement" or any other agreement containing an arbitration clause and/or class or collective action waiver;

- (2) granting final approval of the Joint Stipulation of Settlement and Release, attached as Exhibit A to the Swartz Declaration;
- (3) granting final approval of the FLSA Settlement; and
- (4) granting any other relief that the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: January 26, 2015  
New York, New York

Respectfully submitted,  
**OUTTEN & GOLDEN LLP**

/s/ Justin M. Swartz  
Justin M. Swartz

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